

FRED K. QUATTLEBAUM
Claimant

MCCORMICK-ARMSTRONG CO., INC.
Respondent

**HARTFORD ACCIDENT & INDEMNITY and
ATLANTIC MUTUAL COMPANIES**
Insurance Carriers

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Claimant first suffered accidental injury in October 1998, when he slipped off of a step and hyperextended his right knee. Claimant came under the care of John D. Osland, M.D. Dr. Osland performed surgery on claimant's right knee on January 4, 1999. Claimant missed approximately one month of work before returning to work for respondent. Claimant has had additional complications with this knee, including more than one

intervening incident which brought about an increase of pain. Claimant continues under the treatment of Dr. Osland and is recommended for additional surgery.

Respondent acknowledges claimant suffered accidental injury in October 1998 to his right knee. The dispute centers around whether claimant should be compensated by Hartford or by respondent's more recent insurance carrier, Atlantic Mutual Companies, which began coverage in January 1999, after Hartford's contract terminated.

Before the Appeals Board can decide the issue presented by respondent and its insurance carrier, Hartford, the Appeals Board must first consider whether it has jurisdiction to decide these issues. The Appeals Board has held in the past, and continues to hold, that disputes regarding a date of accident, when that dispute centers between two insurance carriers, considering which of them is to pay the costs of ordered preliminary hearing benefits, is not a jurisdictional issue applicable from a preliminary hearing.¹

The Appeals Board, therefore, finds that it does not, at this time, have jurisdiction to consider this dispute, and respondent's appeal in the above matter is dismissed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal of the respondent in the above matter should be, and is hereby, dismissed, and the Order of Administrative Law Judge John D. Clark dated February 22, 2000, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of April 2000.

BOARD MEMBER

c: Tom E. Hammond, Wichita, KS
Kathleen M. Lynch, Kansas City, KS
P. Kelly Donley, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director

¹ Goitia v. Southwest Developmental Services, Inc., and Bethphage/Advent Services, Inc., WCAB Dockets Nos. 233,983 & 245,196 (Jan. 2000); *see also* Ireland v. Ireland Court Reporting, WCAB Docket Nos. 176,441 & 234,974 (Feb. 1999); Linville v. Grandview Products Co., Inc., WCAB Docket No. 230,739 (June 1998); Celuch v. Luce Press Clippings, Inc., WCAB Docket Nos. 214,959 & 222,711 (Jan. 1998); and Siyavong v. Kice Industries, Inc., WCAB Docket No. 215,916 (July 1997); *see also* Carpenter v. National Filter Service, Docket No. 81,106 (Kan. App. 1999).